

**FILED
UNDER
SEAL**

Prob12C
D/NV Form
Rev. March 2017

United States District Court
for
the District of Nevada

PETITION FOR WARRANT
FOR OFFENDER UNDER SUPERVISION

Name of Offender: **Robert Qwan Smith**

Case Number: **2:11CR00036**

Name of Sentencing Judicial Officer: **Honorable Philip M. Pro**

Date of Original Sentence: **June 25, 2012**

Original Offense: **Felon in Possession of a Firearm and Use or Possession of a Firerm in Relation to Any Crimes of Violence or Drug Trafficking Crime.**

Original Sentence: **137 Months prison, followed by 60 Months TSR.**

Date Supervision Commenced: **August 27, 2021**

Name of Assigned Judicial Officer: **Honorable Philip M. Pro**

PETITIONING THE COURT

☒ To issue a warrant.

The probation officer believes the offender has violated the following condition(s) of supervision:

1. **Substance Abuse Treatment** - You shall participate in and successfully complete a substance abuse treatment and/or cognitive based life skills program, which will include drug/alcohol testing and/or outpatient counseling, as approved and directed by the probation office. You shall refrain from the use and possession of beer, wine, liquor, and other forms of intoxicants while participating in substance abuse treatment. Further, you shall be required to contribute to the costs of services for such treatment, as approved and directed by the probation office based upon your ability to pay.

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Smith has not attended treatment since February 8, 2022 and has been discharged as unsuccessful.

2. **Mental Health Treatment** - You shall participate in and successfully complete a mental health treatment program, which may include testing, evaluation, and/or outpatient counseling, as approved and directed by the probation office. You shall refrain from the use and possession of beer, wine, liquor, and other forms of intoxicants while participating in mental health treatment. Further, you shall be required to contribute to the costs of services for such treatment, as approved and directed by the probation office based upon your ability to pay.

Smith has not attended treatment since February 8, 2022 and has been discharged as unsuccessful.

3. **Submit Monthly Report** - The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.

Smith failed to submit monthly report forms for the following months:

February 2022
March 2022
April 2022
May 2022
June 2022
July 2022

4. **Report Change of Residence or Employment** - The defendant shall notify the probation officer prior to any change in residence or employment.

On July 6, 2022, the undersigned officer made contact with Smith's employer for the purpose of an employment contact. It was discovered that Smith failed to show up for work sometime in May and has not returned. Smith failed to report a change in employment to the undersigned officer.

5. **Refrain From Unlawful Use of Controlled Substance** - The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually. Revocation is mandatory for refusal to comply.

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- A. Smith submitted drug tests that yielded positive results for marijuana on the following dates. All tests have been confirmed positive by the National Laboratory.

March 2, 2022

March 7, 2022

May 4, 2022

May 18, 2022

- B. Smith submitted a drug test that yielded a positive result for methamphetamine on May 18, 2022. This test was confirmed positive by the National Laboratory.

- C. Smith submitted drug tests that yielded positive results for Phencyclidine (PCP) on the following dates. These tests have been confirmed positive by the National Laboratory.

May 4, 2022

May 18, 2022

- D. Smith failed to submit required drug/alcohol tests on the following dates.

September 4, 2021

October 20, 2021

October 26, 2021

March 12, 2022

March 21, 2022

April 9, 2022

April 19, 2022

April 27, 2022

April 28, 2022

May 6, 2022

May 9, 2022

May 17, 2022

May 25, 2022

June 1, 2022

June 8, 2022

June 11, 2022

June 24, 2022

July 2, 2022

July 11, 2022

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July 18, 2022

July 26, 2022

U.S. Probation Officer Recommendation:

The term of supervision should be:

☒ Revoked

I declare under penalty of perjury that the
information contained herein is true and correct,

Executed on **August 9, 2022**

Brianna
King

Digitally signed
by Brianna King
Date: 2022.08.09
11:52:04 -07'00'

Brianna King
United States Probation Officer

Approved:



Digitally signed by Brian
Blevins
Date: 2022.08.09
11:43:30 -07'00'

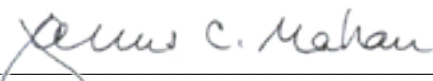
Brian Blevins
Supervisory United States Probation Officer

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THE COURT ORDERS

- ☐ No Action.
- ☒ The issuance of a warrant.
- ☐ The issuance of a summons.
- ☐ Other:



Signature of Judicial Officer

August 10, 2022

Date

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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA
UNITED STATES V. ROBERT QWAN SMITH, 2:11CR00036**

SUMMARY IN SUPPORT OF PETITION FOR WARRANT

August 9, 2022

On June 25, 2022, Smith was sentenced to 137 months custody, followed by five years of supervised release for committing the offenses of Felon in Possession of a Firearm and Use or Possession of a Firearm in Relation to Any Crime of Violence or Drug Trafficking Crime. Supervised release commenced on August 27, 2021.

Since commission of supervised release Smith has submitted four drug tests that yielded positive results for marijuana, two drug tests that yielded positive results for PCP, and one drug test that yielded positive results for methamphetamine. All tests were confirmed positive by the National Laboratory. Unfortunately, despite the undersigned officer's attempts to work with Smith, he continues to test positive for illegal substances.

Smith has triggered statutory mandatory revocation by submitting more than Three positive drug tests within one year. *18 U.S.C. § 3583(g)(4) as part of drug testing, tests positive for illegal controlled substances more than 3 times over the course of one year; the court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment not to exceed the maximum term of imprisonment authorized under subsection (e)(3).*

Smith was directed to report to the undersigned officer on June 27, 2022, to address his violation conduct. Smith confirmed he could attend the appointment; however, he failed to report and has been unreachable since June 24, 2022.

Since commencement of supervised release, Smith failed to attend 21 required drug/alcohol tests. The undersigned officer has attempted to contact Smith regarding his missed drug tests; however, he remains unreachable at this time.

On July 6, 2022, the undersigned officer contacted Smith's employer for the purpose of an employment contact. His employer advised Smith failed to report for work sometime in May 2022 and they did not have any current contact information. Following this contact, the undersigned officer left Smith's brother, Jericho, a voicemail in an attempt to locate him. Smith's reported residence is with his brother Jericho; this correspondence was never returned.

On August 3, 2022, the undersigned officer attempted to see Smith at home for the purpose of a home contact. No contact was made, and the undersigned officer's card was left in the door.

On August 8, 2022, the undersigned officer contacted the Community Counseling Center for the purpose of a treatment contact. It was advised that Smith has not attended a treatment session since February 8, 2022 and is discharged from the program unsuccessfully.

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Smith's whereabouts are currently unknown and all attempts to reach him have been unsuccessful. The last contact with Smith was on June 24, 2022.

At this time, it is believed that Smith has absconded from supervised release due to his lack of participation and unwillingness to return the undersigned officer's correspondence. Of more concern, it has been confirmed that Smith is using dangerous illegal substances such as methamphetamine and PCP which adds additional concern of risk to his absconder status. It is evident by his actions that he is no longer interested in participating in a grant of supervised release.

It is respectfully recommended that a warrant be issue to secure Smith's appearance at a revocation hearing.

Respectfully submitted,

Brianna
King

Digitally signed
by Brianna King
Date: 2022.08.09
11:52:40 -07'00'

Brianna King
United States Probation Officer

Approved:



Digitally signed by
Brian Blevins
Date: 2022.08.09
11:43:58 -07'00'

Brian Blevins
Supervisory United States Probation Officer